

REMARKS

In its previous Amendment, the Applicant made the following statement regarding the Bille reference:

"Bille discloses applying a large amount of energy in the range of 10 megawatts to either fully ablate tissue, or modify tissue into a semi-liquid state. The claims recite denaturing tissue not ablating tissue. The claimed process provides enough energy to change the helical tissue structure without creating damage that causes the body to repair the denatured area. Changing the helical structure modifies the refractive power of the cornea. This is to be distinguished from Bille which discloses changing the tissue into a semi-liquid state. The Applicant contends that changing the tissue to a semi-liquid state will cause the body to repair the tissue back to the original state. This will cause regression in the change of refractive power. Bille does not disclose or suggest to merely denature the tissue."

The Examiner found this argument unconvincing because it was made by the Applicant's representative. The Applicant is enclosing herein declarations from two leading ophthalmologists in the field who support the Applicant's interpretation of the term "denature" as used in the content of the above entitled application. Bille does not disclose or suggest to reshape a cornea by merely denaturing corneal tissue. Bille discloses applies a relatively high amount of energy to either a ablate or change the corneal tissue into a semi-liquid state. This is a fundamentally different approach from the systems and methods recited in the claims of the above entitled application. For these reasons, the Applicant submits that Bille, or Bille in combination with other references does not anticipate or render unpatentable the pending claims of the above entitled application.

In view of the above it is submitted that the claims are in condition for allowance.

Reconsideration of the rejections is requested. Allowance of claims 1-34, 36-38, 40-47, 50, 51, 53, 54 at an early date is solicited.

Respectfully submitted,

IRELL & MANELLA LLP

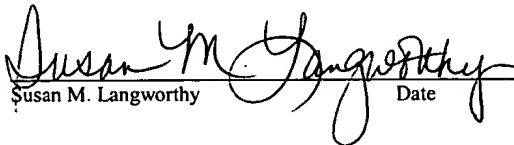
Dated: October 3, 2005


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 3, 2005.


Susan M. Langworthy Date Oct 3, 2005